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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,247	11/13/2003	Charles E. Boyer	VER-01	1172
33072	7590	08/24/2005	EXAMINER	
KAGAN BINDER, PLLC SUITE 200, MAPLE ISLAND BUILDING 221 MAIN STREET NORTH STILLWATER, MN 55082			CAPUTO, LISA M	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/713,247	<b>Applicant(s)</b> BOYER, CHARLES E.	
	<b>Examiner</b> Lisa M. Caputo	<b>Art Unit</b> 2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-8 and 16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1,4-8 and 16 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment and drawings filed 15 June 2005.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 8, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Brewington (U.S. Patent Application Publication No. 2004/0117627).

Regarding claims 1, 4, 8, and 16, Brewington teaches a high-security transaction card (identification card 41) comprising a card body having a perimeter (see Figure 4, which shows a card body and that the card has a perimeter) and at least one face (front and rear surfaces), and at least one two-dimensional binary information symbol (high density two-dimensional barcode 51) which is located within the perimeter of the card body on the at least one face. A two-dimensional barcode is a two-dimensional binary information symbol. This two-dimensional binary information symbol includes information applicable to identify a user, such as a signature or account information, which is not otherwise represented on the card in human readable form. In addition, regarding accounts and account number information, Brewington teaches that in

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another embodiment, the secure document is a negotiable instrument such as a bank check 50 with a high-density barcode 54 which also includes account information (see Figures 4-5, paragraphs 0053-0055). Further, regarding claim 8, Brewington teaches a high-security card system that comprises the high-security card as discussed above, and in addition discloses at least one card reader (document input device 120 includes an image capture device, for example, a card scanner and detector 232) that is responsive in use to the symbol of the high-security card and generating a signal indicative of the symbol (the detector 232 analyzes the document images and sends the encoded image signature to a decoder 234), and at least one decoder (decoder 234) being capable of receiving the signal from the card reader and converting the signal into a human-readable authentication display (the information is then passed to a control system 236 which includes a microprocessor 238 and which analyzes the information and can indicate in human readable form for display upon conventional display means (not shown), information from the document) (see Figure 7, paragraph 0060 to paragraph 0063).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewington. The teachings of Brewington have been discussed above.

Regarding claims 5-7, although Brewington fails to specifically teach the high-security card in the embodiments of a high-security transaction card, a library patron identification card, a building access card, or a medical information card, Brewington, as discussed above, does indeed teach the high-security card in the embodiment of a high-security transaction card, and further, that the card/document can be implemented as a bank check (see Figures 4-5, paragraphs 0053-0054). In addition, FIGS. 4 and 5 illustrated but two examples of a hardcopy secure document constructed in according to respective embodiments of the present invention. As will be appreciated by those skilled in the art, the identification card 41 or the bank check 50 can incorporate more or less than the illustrated combination of features, and such features may be provided at differing locations on the front and rear surfaces of their substrates, as needed. It is noted that in FIGS. 4 and 5, the encoded image signatures are located in predetermined areas of the hardcopy secure document (see paragraph 0055). Further, other examples of documents for which resistance to forgery, copying, or other tampering is desired include: stock or bond certificates, driver's licenses, identification cards or papers, passports, betting slips, prize or game awards, tickets, or documents that simply require validating signatures to be affixed thereto, such as electronically negotiated and/or transmitted contracts, etc. (see paragraph 0007). Hence, Brewington does indeed teach that it is well known in the art to have different embodiments for the high-security card, such as a transaction card or medical information card.

In view of the teaching of Brewington, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the high-security

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card in different embodiments because it is favorable to be able to add additional security to many different objects in order to retain customer information safely. It is favorable to maintain customer information safety so that the overall system can run efficiently (i.e. the customer's assets are protected, as well as the business' assets).

### ***Response to Arguments***

4. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection. Examiner, however, has maintained Brewington as the best prior art of record.

5. In response to applicant's arguments that the prior art of record, Brewington, does not teach that account or user identification can only be made by decoding the two-dimensional symbol, examiner respectfully disagrees and submits that the information encoded into the two-dimensional symbol is not otherwise represented in human readable form on the card body and must be decoded (see Figure 4).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[lisa.caputo@uspto.gov](mailto:lisa.caputo@uspto.gov)].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMC

August 21, 2005

*Jared J. Fureman*  
**JARED J. FUREMAN**  
**PRIMARY EXAMINER**